

**ORIGINAL**

BEFORE THE  
POSTAL RATE COMMISSION  
WASHINGTON DC 20268-0001

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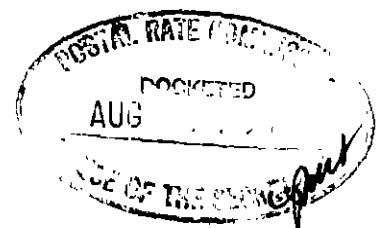
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SPECIAL SERVICE FEES AND CLASSIFICATION]

DOCKET NO. MC96-3

POSTAL RATE COMMISSION  
OFFICE OF THE SECRETARY

MOTION TO DISMISS

1. As part of this Docket, the United States Postal Service is proposing to establish a 2-cent charge for postal cards as well as changing the name to stamped cards. This 2-cent charge would be in addition to postage for a stamped card and a 4-cent charge would apply for a doubled stamped card.
2. Section 1721 of Title 18, United States Code, provides in part, "Whoever, being a Postal Service officer or employee, knowingly and willfully: ..... sells or disposes of postage stamps or postal cards for any larger or less sum than the values indicated on their faces; or sells or disposes of stamped envelopes for a larger or less sum than is charged therefor by the Postal Service for like quantities; ..... shall be fined under this title or imprisoned not more than one year, or both."
3. Based on this statute, I request that the Postal Rate Commission reject the Postal Service's request as contravening this Statute on its face.
4. While the Postal Rate Commission could possibly approve a rate to charge more for stamped cards than that which appears on their face, any postal employee who sold them to the public for that increased cost would be subject to violation of this Statute.
5. Since the definition of the newly defined *stamped card* is identical to the formerly defined *postal card* [see Section 222.11 in the Classification Schedule for stamped cards and Section 222.13 for double cards], the changing of the name [from postal to stamped cards] will not change the intent of Congress in that they be sold at the value indicated on the face. An Act of Congress would be required to allow for this request of the Postal Service.
6. Because of the distinction in the Statute between postage stamps and postal cards which must be sold at their face value and stamped envelopes which must be sold at the established USPS price, the intent of the Congress is clear and that only stamped envelopes may be sold at other than the value indicated on the face.



7. Based on the above, I request that the request by the United States Postal Service to establish a separate charge for postal/stamped cards be dismissed as contravening the existing Statute.

Respectfully submitted,



David B. Popkin, Post Office Box 528, Englewood, NJ 07631-0528

August 6, 1996

CERTIFICATE OF SERVICE

I hereby certify that I have this date served the foregoing document upon all participants of record in this proceeding in accordance with Section 12 of the rules of practice.

David B. Popkin

August 6, 1996

